

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ABDULLAH ALKHALIDI,)	
)	
Plaintiff,)	
vs.)	Case No. 1:11-cv-609-WTL-TAB
)	
EDWIN BUSS, et al.,)	
)	
Defendants.)	

Entry Dismissing State Law Claims

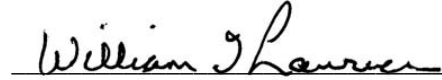
Because the complaint referenced state law violations but it was unclear which laws were violated, the plaintiff was given the opportunity to file a “statement of state law claims” to supplement the complaint. The plaintiff alleges in his supplement that the defendants violated more than 25 Indiana state code provisions. This supplement is now subject to the screening required by 28 U.S.C. § 1915A(b). *Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). This statute directs that the court dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.*

In determining whether an individual has a private cause of action for the violation of a statute, courts look to legislative intent. *City of Muncie v. Peters*, 709 N.E.2d 50, 56 (Ind. Ct. App. 1999). The statutes listed by the plaintiff do not contain any provision suggesting that inmates have a right to enforce in court the rights created by the statutes.¹ See *Blanck v. Indiana Department of Correction*, 829 N.E.2d 505, 508–10 (Ind. 2005) (holding that Indiana Code sections 11–11–5–4, 11–10–1–7, 11–11–5–5, 11–11–5–6, and 11–11–5–7, did not create a private right of action for inmates seeking to enforce them); *Kimrey v. Donahue*, 861 N.E.2d 379, 383 (Ind. Ct. App. 2007) (holding that Ind. Code § 11–11–3–6 did not provide for a private right of action).

¹ Including Indiana Code § 11-10-1-3(b); § 11-10-1-5; § 11-10-1-6; § 11-10-1-7; § 11-10-6-2; § 11-10-11-1(a); § 11-10-11-2; § 11-11-1-2; § 11-11-3-2; § 11-11-3-3; § 11-11-3-4; § 11-11-3-5; § 11-11-3-6; § 11-11-3-7; § 11-11-3-8; § 11-11-3-9; § 11-11-4-1; § 11-11-4-2; § 11-11-4-3; § 11-11-4-4; § 11-11-4-5; § 11-11-5-4; § 11-11-5-5; § 11-11-5-6; § 11-11-5-7; § 11-11-5-8; § 11-11-7-1; § 11-11-7-2; § 35-55-3-4(a)(1)(A).

The plaintiff's state law claims are **dismissed** for failure to state a claim upon which relief may be granted. No partial final judgment as to the claims dismissed in this Entry shall issue at this time.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William T. Lawrence", is written over a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Date: 04/12/2013

Copies to all counsel of record via electronic notification

Copy by United States Mail to:

ABDULLAH ALKHALIDI
104113
Westville Correctional Center
Inmate Mail/Parcels
5501 South 1100 West
Westville, IN 46391-0473